

16c7 9
MILBANK, TWEED, HADLEY & M^cCLOY LLP

LOS ANGELES
213-892-4000
FAX: 213-629-5063

PALO ALTO
650-739-7000
FAX: 650-739-7100

WASHINGTON, D.C.
202-835-7500
FAX: 202-835-7586

LONDON
44-207-448-3000
FAX: 44-207-448-3029

**1 CHASE MANHATTAN PLAZA
NEW YORK, NY 10005-1413**

212-530-5000
FAX: 212-530-5219

FAX RECEIVED

NOV 06 2001

GROUP 1600

TOKYO
813-3504-1050
FAX: 813-3595-2790

HONG KONG
852-2971-4888
FAX: 852-2840-0792

SINGAPORE
65-428-2400
FAX: 65-428-2500

FACSIMILE TRANSMISSION

DATE: November 5, 2001

TO:

NAME	FAX NO.	PHONE NO.
G.R. Ewoldt, Ph.D. U.S. Patent and Trademark Office	(703) 305-3014	

FROM: Michael N. Nitabach, Ph.D. **PHONE:** (212) 530-5057 **FAX:** (212) 822-5057

RE: Patent Application Serial No. 09/382,837

FILE NUMBER:	33677-00000			08694
NUMBER OF PAGES, INCLUDING COVER:		20	ORIGINALS FOLLOW BY MAIL:	No

MESSAGE:

Please see attached.

CONFIDENTIALITY NOTE:

The information contained in this facsimile message may contain legally privileged and/or confidential information and is intended only for the use by the individual or entity named above. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or reproduction of this facsimile is strictly prohibited. If you have received this facsimile in error, we would appreciate your notifying us at 212-530-5014. Thank you.

NY2:4436231

ATTORNEY DOCKET NO. 33677-00000

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Gary E. Borodic, M.D.) Art Unit: 1644
Serial No. : 09/382,837)
Filed : August 25, 1999)
For : Chemodenervating)
Pharmaceutical As)
Anti-Inflammatory Agent)
Examiner : G.R. Ewoldt, Ph.D.)

12/13
JW
11/5/01

AMENDMENT AFTER NON-FINAL OFFICE ACTION

VIA FACSIMILE

(703) 305-3014

ATTN: G.R. Ewoldt, Ph.D.

Asst. Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

This paper is submitted in response to the non-final office action mailed July 5, 2001, wherein the Examiner (1) withdrew claims 9 and 13-16 from further consideration as being drawn to non-elected inventions, (2) rejected each of the pending claims on various statutory bases, (3) objected to the declaration, and (4) granted the benefit of priority to Provisional Application No. 60/097,846 for some of the claims but denied the benefit of priority for others.

IN THE CLAIMS—CLEAN

Please cancel claim 20 without prejudice.

1/08/2001 JHASON
FC:215

00000001 133250 09382837
55.00 CH